

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-4518

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CESAR FUENTES-RUIZ,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. Catherine C. Eagles, District Judge. (1:13-cr-00072-CCE-1)

Submitted: February 19, 2015

Decided: February 24, 2015

Before KEENAN, WYNN, and DIAZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Stephen F. Wallace, WALLACE LAW FIRM, High Point, North Carolina, for Appellant. Terry Michael Meinecke, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Cesar Fuentes-Ruiz pled guilty in accordance with a written plea agreement to Hobbs Act robbery, 18 U.S.C. § 1951(a) (2012); and brandishing a firearm during a crime of violence, 18 U.S.C. § 924(c)(1)(A)(i) (2012). He was sentenced to 178 months for the robbery and eighty-four months, consecutive, for the firearm offense, for an aggregate sentence of 262 months. Fuentes-Ruiz now appeals. His attorney has filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967), questioning the validity of the guilty plea and the reasonableness of the sentence, but concluding that there are no meritorious issues for appeal. Fuentes-Ruiz was advised of the right to file a pro se brief but has not filed such a brief. We affirm.

After careful review, we hold that the guilty plea was knowing and voluntary. Fuentes-Ruiz stated at the Fed. R. Crim. P. 11 hearing that he had a high school diploma and was not under the influence of drugs or alcohol. He expressed satisfaction with his attorney's services. A factual basis for the plea was presented to the court, and Fuentes-Ruiz admitted his guilt. Finally, the district court substantially complied with the requirements of Rule 11.

With respect to sentencing, the court properly calculated the Guidelines range, considered the 18 U.S.C. § 3553(a) (2012) factors and the arguments of the parties, and provided a

sufficiently individualized assessment based on the facts of the case. The court specifically explained its reasons for denying Fuentes-Ruiz's request for a downward variance. We therefore conclude that the sentence is procedurally reasonable. Additionally, given the totality of the circumstances, the sentence is substantively reasonable. See Gall v. United States, 552 U.S. 38, 51 (2007); United States v. Carter, 564 F.3d 325, 330 (4th Cir. 2009).

Pursuant to Anders, we have reviewed the entire record and have found no meritorious issues for appeal. Accordingly, we affirm the district court's judgment. This court requires that counsel inform Fuentes-Ruiz, in writing, of the right to petition the Supreme Court of the United States for further review. If Fuentes-Ruiz requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on Fuentes-Ruiz. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED